

EXHIBIT 191

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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THE STATE OF TEXAS, et al.,

Plaintiffs,

vs.

Civil Action No. 4:20-CV-957-SDJ

GOOGLE LLC,

Defendant.

* * * * *

VIDEOTAPED DEPOSITION

OF

JONATHAN VAN PATTEN

Taken at
1302 E. Highway 14
Pierre, South Dakota
April 29, 2024

1 have a connection to South Dakota?

2 A I believe so.

3 Q Can you name any particular advertisers in South
4 Dakota who have been harmed by the RPO program?

5 A We have -- we have alleged harm with respect to
6 advertisers, publishers, and consumers. We have not
7 identified specific ones in South Dakota. But we
8 believe, because of the ubiquitousness of the
9 practice, that the nationwide harm is experienced in
10 South Dakota as well.

11 Q But you can't name any specific South Dakota
12 advertisers or publishers who were harmed by the
13 alleged misconduct by Google in this case, right?

14 MR. WILKERSON: Objection, form.

15 A We -- we have alleged that there are many
16 advertisers and publishers and consumers that have
17 been harmed. We have not identified any specific
18 ones in South Dakota and expect that that
19 measurement will occur in expert reports.

20 Q (By Mr. Aycock) Okay. But as of today, you haven't
21 named any specific South Dakota advertisers or
22 publishers who have been harmed by Google's alleged
23 conduct in this case, right?

24 MR. WILKERSON: Objection, form.

25 A Not as -- other than I've already stated.

1 believe the hits came as a result of Google but not
2 Google advertising.

3 Q Okay. And --

4 A Which was why we determined they weren't relevant.

5 Q Right. So in case, ultimately, South Dakota
6 determined that it didn't find any consumer
7 complaints related to Google advertising, display
8 advertising technology, right?

9 A Correct.

10 Q And so no complaints were produced in this case by
11 South Dakota, right?

12 A That's correct.

13 Q And South Dakota -- I'm sorry. No consumer
14 complaints form the basis -- let me start over.

15 No consumer complaints in South Dakota form the
16 basis for the complaint in this case, right?

17 A I believe that's a fair statement.

18 Q And you don't intend to rely on any South Dakota
19 consumer complaints at trial in this case, right?

20 A Well, to the extent that we discover and at least --
21 either -- for our part, time is short, so the
22 likelihood of us discovering before May 3rd or by
23 May 3rd is not likely, but there's -- there's,
24 like -- I know you said 6 million or whatever the
25 figure is, but there's a lot of documents that took

CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC

STATE OF SOUTH DAKOTA)

ss.

COUNTY OF PENNINGTON)

BE IT KNOWN that I, Cindy K. Pfingston, a
Registered Professional Reporter, took the deposition of:

JONATHAN VAN PATTEN,

pursuant to Notice and/or Stipulation; that I was
then and there a Notary Public in and for said
County and State; that I exercised the power of that
office in taking said deposition; that by virtue
thereof, I was then and there authorized to
administer an oath; that said witness, before
testifying, was duly sworn to testify to the truth, the
whole truth and nothing but the truth relative to
the cause specified therein;

That the said deposition having been
transcribed, was subsequently submitted by me to the said
witness, who thereupon read the said deposition and made
changes or corrections, if any, as appear noted therein,
along with the reason for each thereof, and that the said
deposition was thereupon subscribed to by the said
witness; that the examination was conducted at the time
and place therein specified on behalf of the respective
parties as therein indicated; that the foregoing and

1 attached 85 typewritten pages contain a full, true,
2 accurate and correct transcript of my stenotype notes, as
3 they purport to contain, then and there taken;

4 That I am neither attorney nor counsel
5 for, nor related to or employed by any of the parties to
6 the action in which said deposition is taken; and
7 further, that I am not a relative or employee of any
8 attorney or counsel employed by the parties hereto
9 or financially interested in the action.

10 I FURTHER CERTIFY that I have retained the
11 original copy of said deposition for the purpose of
12 filing with the taking attorney.

13 WITNESS MY HAND AND SEAL this 30th day
14 of April, 2024.

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Cindy K. Pfingston
Registered Professional Reporter
and Notary Public
Pennington County,
Rapid City, South Dakota
My Commission expires: 2-4-2028